

1 JUDGE MARC L. BARRECA
2 Chapter 13
3 Hearing Date: May 28, 2015
4 Hearing Location: Judge Barreca's Courtroom
5 Response Date: May 21, 2015

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8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10 IN RE:

11 CYNDEE BAUDHUIIN,
12 Debtor(s).

13 Case No. 15-12350-MLB

14 Chapter: 13

15 DECLARATION OF MELISSA A.
16 HUELSMAN IN SUPPORT OF
17 DEBTOR'S RESPONSE TO
18 MOTION TO DISMISS FILED BY
19 CHAPTER 13 TRUSTEE

20 I, Melissa A. Huelsman, declare:

21 1. I have just stepped in as the attorney of record for the Debtor herein in a very
22 limited capacity due to circumstances that would have led to a premature dismissal of the
23 Debtor's case. I have personal knowledge of the facts as stated herein and if called upon to
24 testify to the truth thereof, I could and would do so.

25 2. I only agreed to assist Ms. Baudhuin today to prepare the outstanding bankruptcy
26 Schedules, Statement of Financial Affairs, and other necessary documentation, as well as the
27 Chapter 13 Plan and this Response. That is the extent of my agreement to represent Ms.
Baudhuin, as I had previously determined that I did not want to represent the Debtor in another
bankruptcy.

28 DECLARATION OF MELISSA A. HUELSMAN IN
29 SUPPORT OF DEBTOR'S RESPONSE TO MOTION TO
30 DISMISS FILED BY CHAPTER 13 TRUSTEE - 1

31 LAW OFFICE OF
32 MELISSA A. HUELSMAN, P.S.
33 705 SECOND AVE, SUITE 601
34 SEATTLE, WASHINGTON 98104
35 Telephone (206) 447-0103

1 3. When Ms. Baudhuin filed the 2014 case, the plan was to use the Chapter 13 to
2 allow her to sell the property herself and preserve as much of her equity as possible. I was
3 required to file a short file case in order to stop the foreclosure sale because I did not meet Ms.
4 Baudhuin until right before the scheduled sale date. In addition, because of the holidays and the
5 fact that I was going home to visit my family, I could not prepare the additional documentation
6 on a very short time period. I also needed Ms. Baudhuin to provide me with the necessary
7 supporting documentation, as it was not given to Ms. Huelsman before the initial filing.
8

9 5. Over the course of the several weeks after filing, my staff and I made every effort
10 to obtain that documentation. Ms. Baudhuin struggled with health issues during that period of
11 time and apparent confusion about what was necessary in order to complete the filing. She had a
12 particularly difficult time obtaining copies of her paystubs so that she could assist me in
13 completing the Means Test. Ultimately, it became clear that Ms. Baudhuin could not provide
14 sufficient information and supporting documentation to complete the filing and Ms. Baudhuin
15 and I determined that the case should be dismissed until Ms. Baudhuin had the necessary
16 paperwork. *Id.*
17

18 6. Thereafter, Ms. Baudhuin determined that she believed that she could do
19 something else in order to save the property from foreclosure, rather than selling the home. Ms.
20 Baudhuin had also received a Notice of Default from her first mortgage creditor and I referred
21 her to Parkview Services, a housing counseling agency, to assist her at no cost with an FFA
22 mediation in order to stop that non-judicial foreclosure. But I determined that I did not want to
23 represent Ms. Baudhuin in another bankruptcy case and so advised Ms. Baudhuin to find other
24 representation well before a new Sheriff's Sale was scheduled by the homeowners' association.
25 Ms. Baudhuin acknowledged receipt of this information.
26

27 DECLARATION OF MELISSA A. HUELSMAN IN
SUPPORT OF DEBTOR'S RESPONSE TO MOTION TO
DISMISS FILED BY CHAPTER 13 TRUSTEE - 2

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1 7. However, on the day before the scheduled Sheriff's Sale date, Ms. Baudhuin
2 contacted my office to seek assistance in preparing the documents necessary for a short form
3 filing. I agreed to provide Ms. Baudhuin with those documents based upon the previously
4 created bankruptcy forms and they were provided to her because she had so little time. The
5 Petition identified Ms. Baudhuin's address, just as it had done on the previous case, but Ms.
6 Baudhuin apparently did not notice that it was missing her apartment number.

7 8. Ms. Baudhuin apparently filed the documents necessary for a short file on April
8 16, 2015 and paid the full filing fee. I had agreed to provide Ms. Baudhuin with copies of some
9 of the other forms which had been completed in connection with her previous filing, but
10 reiterated that I was not going to represent her. Ms. Baudhuin was supposed to make
11 arrangements to come to the office to obtain copies of those documents but did not do so for
12 several weeks. I had also advised Ms. Baudhuin that she would need to file a motion to extend
13 the stay and indicated that I would give her a sample pleading.

14 9. I emailed Ms. Baudhuin several times over the next few weeks asking if she still
15 wanted an appointment, but no appointment was made. Finally, on May 20, 2015, in response to
16 my inquiry, Ms. Baudhuin responded and indicated that her case was going to be dismissed that
17 same day if she did not file a creditors' list. Ms. Baudhuin came to my office that afternoon and
18 obtained a copy of that printout, which she then took to Court for filing.

19 10. At around 1 pm, Ms. Baudhuin contacted me and described what was happening,
20 and the pending motion to dismiss. I was working from home but in light of the circumstances, I
21 agreed to come into the office downtown to assist Ms. Baudhuin so that she would not lose an
22 opportunity to keep the case alive. Ms. Baudhuin also indicated that she was finally going to put
23 the house on the market as she realized that she could not afford to keep it. However, I ould not
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DECLARATION OF MELISSA A. HUELSMAN IN
SUPPORT OF DEBTOR'S RESPONSE TO MOTION TO
DISMISS FILED BY CHAPTER 13 TRUSTEE - 3

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1 complete the documents for Ms. Baudhuin in sufficient time for her to file the pleadings with the
2 Court by bringing them to the courthouse. These are the reasons that I only agreed to undertake
3 a very limited representation of Ms. Baudhuin under an hourly agreement and until it became
4 clear that there was no other option for filing the documents on May 21, 2015, I did not intend to
5 file any of the pleadings under her name as she did not intend to represent Ms. Baudhuin.
6

7 This Declaration made under penalty of perjury under the laws of the United States of
8 America this 21st day of May, 2015 at Seattle, Washington.

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10 By: /s/ Melissa A. Huelsman
11 Melissa A. Huelsman, WSBA #30935
12 Attorney for Debtors
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DECLARATION OF MELISSA A. HUELSMAN IN
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DISMISS FILED BY CHAPTER 13 TRUSTEE - 4

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2 **CERTIFICATE OF SERVICE**

3

4 I, Melissa A. Huelsman, declare under penalty of perjury of laws of the state of
5 Washington that on May 22, 2015, I caused to be electronically filed with this court's ECF filing
6 service a true and accurate copy of the foregoing document - with any exhibits, attachments and
7 supporting pleadings - which caused electronic service notification to the following:

US Trustee	<input checked="" type="checkbox"/> Via ECF Auto-Generated Email <input type="checkbox"/> Legal Messenger – next day delivery <input type="checkbox"/> By regular U.S mail, postage prepaid <input type="checkbox"/> By Air Courier
Interim Trustee K Michael Fitzgerald	<input checked="" type="checkbox"/> Via ECF Auto-Generated Email <input type="checkbox"/> Legal Messenger – next day delivery <input type="checkbox"/> By regular U.S mail, postage prepaid <input type="checkbox"/> By Air Courier
Clerk of the Court	<input checked="" type="checkbox"/> Via ECF Auto-Generated Email <input type="checkbox"/> Legal Messenger – next day delivery <input type="checkbox"/> By regular U.S mail, postage prepaid <input type="checkbox"/> By Air Courier
All creditors listed on the Creditor Matrix	<input type="checkbox"/> Via ECF <input type="checkbox"/> Legal Messenger – next day delivery <input checked="" type="checkbox"/> By regular U.S mail, postage prepaid <input type="checkbox"/> By Air Courier

18 DATED this Friday, May 22, 2015, at Seattle, Washington.

19 _____
20 /s/ *Melissa A. Huelsman*

21 Melissa A. Huelsman

22 DECLARATION OF MELISSA A. HUELSMAN IN
23 SUPPORT OF DEBTOR'S RESPONSE TO MOTION TO
24 DISMISS FILED BY CHAPTER 13 TRUSTEE - 5

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